



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**1B Wilfred Carl Mell (Estate)****Case No. 12CEPR00225****Atty Krbechek, Randolph (for Petitioner/Executor Dale G. Mell)****Atty Burnside, Leigh (for Objector Dale L. Mell)****Amended First and Final Account and Report of Executor and Petition for its Settlement, for Allowance of Attorneys' Fees, and for Final Distribution**

<b>DOD: 5/29/2009</b>	<b>DALE GEORGE MELL</b> , Executor, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition states a supplemental inventory and appraisal has been filed reflecting the promissory note. However, the court's case management system does not reflect the filing of said Supplemental Inventory and Appraisal. Need Supplemental Inventory and Appraisal.  2. Promissory Note cannot be counted as a loss if it is also being deducted from Dean C. Mell's share of the estate.  3. Need Order  <b>Please see additional page.</b>
<b>Cont. from</b>	<b>See Petition for Details.</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Objections to the Amended First and Final Account filed by Dale L. Mell on 2/26/15.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input checked="" type="checkbox"/> <b>Inventory</b>			
<input checked="" type="checkbox"/> <b>PTC</b>	<b>Response to Objections to Amended First and Final Account filed by Petitioner Dale G. Mell on 2/27/15</b>		
<input checked="" type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>		X	
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>	1/14/13		
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<input checked="" type="checkbox"/> <b>9202</b>			
<b>Order</b>		X	
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 2/27/15</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1B - Mell</b>

**1B**

## NEEDS/PROBLEMS/COMMENTS (cont.):

**Note:** Petition does not treat the promissory note as an asset of the estate. When treated as an asset of the estate, distribution should as follows:

<b>Residue (bank account &amp; promissory note, interest and erroneous loan to Dale L. Mell in the sum of \$2,500.00)</b>	\$54,647.94 (\$40,433.01 is the cash on hand plus the \$2,500.00 loan amount to Dale L. Mell that was returned to the estate.)
Minus Statutory fees	-7,702.98
Net estate for distribution	46,944.96
<b>Dean C. Mell's share</b>	15,648.32
Amount owed on promissory note	14,214.93
Subtotal	1,433.39
½ to Tina L. Liles	716.70
½ to Dale L. Mell less \$2,500 advance distribution	716.70
<b>Larry E. Mell</b>	\$15,648.32
<b>Dale G. Mell</b>	\$15,648.31
<b>Reconciliation of final distribution</b>	
Statutory fees	\$ 7,702.98
Net to Dale L. Mell	\$ 716.70
Net to Tina L. Liles	\$ 716.70
Net to Larry E. Mell	\$15,648.32
Net to Dale G. Mell	\$15,648.31
Total	\$40,433.01

**Amended First Account and Report of Trustee of Edward Crable Special Needs Trust; Amended Petition to Settle Account**

	<b>PATTI CRABLE</b> , trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 01/13/15</b> <b>As of 02/26/15, nothing further has been filed and the following notes remain:</b> 1. Need <i>Notice of Hearing</i> and proof of service by mail at least 30 days before the hearing of Notice of Hearing to all interested parties. 2. There appears to be an addition error in the accounting and it does not balance. Further, it does not appear that the ending balance on hand is correct, as the bank statement attached to the Supplement filed 12/03/14 indicates that the balance is \$9,251.55 and not \$9,250.00 as stated on the Summary of Account. Also, the figures on the Summary of Account do not match the Summary on page 3 of the Supplement. Need revision/clarification. 3. The account indicates that the trust disbursed \$10,000.00 to the Leigh Law Group for legal services that resulted in the beneficiary being placed in a private out of state school valued at over \$50,000.00 that was paid for by the school district. Declaration of Jay Jambeck indicates that the placement was essential to the well-being of the beneficiary and the family agreed to pay the fees from the Special Needs Trust. However, it does not appear that a court order was obtained authorizing the payment and it is unclear whether this type of expenditure was authorized by the Trust instrument without a Court order. The court may require more information/authority for this expenditure. Further Notice of Hearing to the bonding company (International Fidelity Insurance Company) may be required. 4. Need Order.
	Account period: <b>09/25/12 – 08/15/14</b>	
	Accounting                      - <b>\$19,250.00?</b>	
	Beginning POH                - <b>\$0.00</b>	
	Ending POH                   - <b>\$9,250.00</b>	
<b>Cont. from 011315</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>	Trustee                      - <b>not addressed</b>	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Attorney                    - <b>not addressed</b>	
<input type="checkbox"/> <b>Notice of Hrg</b>	Bond is currently filed in the amount of \$11,000.00, petitioner is requesting that bond be reduced to zero because the remaining assets of the Trust are held in a blocked account.	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

		<p><b>DENNIS FREEMAN</b>, Moves this Court, in accordance with CCP § 664.6, for an Order and entry or Judgment enforcing the terms of a settlement agreement between Petitioner, Dennis Freeman and Respondent, Christopher Lull.</p> <p>On 08/13/14, Petitioner and Respondent reached a stipulated settlement. The basic terms of the settlement were recited in open court at that time and were reflected on the minute order, account information was described in general terms. The parties exchanged a few drafts, and ultimately prepared a written Stipulation for Settlement and for Entry of Order Thereon that Petitioner executed. The Stipulation for Settlement and for Entry of Order Thereon was substantially the same as the settlement reached on 08/13/14 except for a term requiring that certain unidentified assets were to be divided equally by the parties.</p> <p>Respondent Christopher Lull has refused to comply with the terms of the settlement agreement in that he has refused to sign the Stipulation for Settlement and for Entry of Order Thereon, which how own counsel prepared.</p> <p>Petitioner respectfully requests that the Court issue an order pursuant to CCP§664.6, entering a written order and judgment thereon in conformance with the terms of the stipulation of settlement with the exception of paragraph 4 of the written Stipulation.</p> <p><b>Response to Notice of Motion and Motion to Enforce Settlement</b> filed by Respondent, Christopher Lull on 02/26/15 states: the problem that has occurred is the transfer of certain tangible personal property of decedent to Respondent. It appears that that personal property is no longer available and there is no understanding as to what the parties would do if the personal property was not available. It is Respondent's position that except for specific issues related to the "tangible personal property" the remainder of the stipulation for settlement is acceptable and, Respondent has fully complied with his multiple obligations under the terms thereof.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. The Notice of Motion and Motion to Enforce Settlement is not verified by the Movant.</li> </ol>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>	x		
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>	x		
✓ <b>Aff.Mail</b>	w/		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
✓ <b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 02/26/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 3A - Winter</b>

		<p><b>DENNIS FREEMAN</b>, successor Trustee under Amendment, is Petitioner.</p> <p><b>CHRISTOPHER LULL</b>, son of Debra Winter, is Respondent.</p> <p>The Parties participated in a Court Trial on 11/04/14 and 01/13/15.</p> <p><b>Minute Order from Court Trial on 01/13/15</b> set this matter for Status Hearing regarding Agreement and states: Counsel requests 60 days for a status update. Mr. Pape is to file any necessary Petition to Enforce the Settlement Agreement at least 15 days prior to the hearing. Christopher Lull is ordered to be personally present in court on 03/03/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
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<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 02/27/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3B - Winter</b></p>	

<b>DOD: 6-12-07</b>		<p><b>CATHERINE A. AMADOR</b>, Attorney for Former Administrator <b>KIM MARIE GALLO</b>, is Petitioner.</p> <p><b>Petitioner's Declaration in Support of Motion to be Relieved as Counsel states</b> she is an associate of Pascuzzi, Pascuzzi &amp; Stoker, attorneys of record for Kim Marie Gallo, the duly appointed administrator of the estate. Ms. Amador prepared and filed the petition for appointment of Ms. Gallo as administrator of the estate of Pauline Sidam, who had been Ms. Gallo's mother-in-law. Ms. Gallo was appointed 9-11-13 and Letters issued. Ms. Gallo was given full IAEA powers.</p> <p>The Inventory and Appraisal filed 10-4-13 consisted of a single asset, a single family residence in Fresno. Ms. Gallo exercised her IAEA authority and sold the house in April 2014.</p> <p>Prior to the sale, Ms. Gallo had informed Ms. Amador that she and her disabled son had decided to move to Minnesota to reside with her sister. She provided an address and stated that she could be reached at her current cell phone number.</p> <p>Ms. Amador had provided Ms. Gallo with necessary documents and information to open an estate account to receive proceeds from the sale of the residence and instructions on how to handle the escrow in March 2014. Ms. Amador wrote to Ms. Gallo in April and May requesting information on the estate, and attempted to call, but the cell phone number had been disconnected. Ms. Amador wrote again in December following the status conference where she had been ordered to file the final report no later than 1-5-15, but no reply has been received.</p> <p>To the best of Ms. Amador's knowledge, the address for Ms. Gallo in Minnesota is a valid address. None of the letters have been returned undeliverable. Even if she no longer resides there, it is expected that her sister would forward her mail.</p> <p>The attorney respectfully requests to be relieved as counsel of record for Ms. Gallo. She does not respond to efforts to contact her, and the attorney is unable to complete estate administration without her cooperation.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The Court removed Kim Marie Gallo as Administrator and appointed the Public Administrator on 1-7-15.</p> <p><b><u>SEE PAGE 2</u></b></p>	
<b>Cont. from 020415</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			x
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
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<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
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<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 2-26-15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 4 - Sidam</b>

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner filed "Proof of Service by First-Class Mail – Civil" Form POS-030 rather than the mandatory "Notice of Hearing – Probate" Form DE-120, which contains mandatory language regarding the hearing date and place pursuant to Probate Code §1211. The Court may require further service.
2. Notice was not served on the Public Administrator or County Counsel, attorney for Public Administrator, who was appointed Successor Administrator 1-7-15. Need proof of service pursuant to Probate Code §1220.
3. Petitioner's Declaration in Support of Motion to be relieved as Counsel is not on the mandatory Judicial Council Form MC-052 as required by Cal. Rule of Court 3.1362(d), which form includes verified statements relative to the petition, service, and the case. The Court may require further information pursuant to this form.
4. According to the Declaration, the attorney was aware of the Administrator's removal of her residence from California to Minnesota, and her permanent address there, in March of 2014. However, no change of address was not filed with the Court or served on interested persons pursuant to Probate Code §8573 and Cal. Rule of Court 2.200. The Court may require clarification.
5. On 1-7-15, the Court removed Kim Marie Gallo as Administrator and appointed the Public Administrator. Pursuant to Probate Code §§ 10952 and 10953(c), the Court may compel the former Administrator or the attorney for the absconding former administrator to account.



**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 8-1-13</b>		<b>PRIMAVERA DAMME</b> , Daughter, is Petitioner and requests appointment as Administrator with Full IAEA with bond of \$175,000.00.  Petitioner is a resident of Mesa, AZ.  Full IAEA – need publication  Decedent died intestate  Residence: Fresno Publication: need publication  Estimated value of estate: Personal property: \$ 5,000.00 Real property: \$ 170,000.00 Total: \$ 175,000.00  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
			<b>Note:</b> This is the 4 <sup>th</sup> hearing on this petition. The following issues remain:	
			1. Need Duties and Liabilities of Personal Representative (DE-147) and Confidential Supplement (DE-147S)	
			2. Need publication pursuant to Probate Code §8120.	
			3. Need Order.	
			4. Need Letters.	
<b>Cont from 110314, 120314, 011315</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w		
<input type="checkbox"/>	<b>Aff.Pub.</b>	x		
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>	x		
<input type="checkbox"/>	<b>Duties/Supp</b>	x		
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>	x		
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 2-25-15 <b>Updates:</b> <b>Recommendation:</b> <b>File 5 – Valencia</b>		

**6A Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)**  
**Case No. 14CEPR01006**

**Atty** Teixeira, J. Stanley (for Jennifer Kapur Kirklin – Petitioner)  
**Atty** Roberts, Gregory J. (for Dana Kahler – Trustee/Respondent)

**Petition for Removal of Trust, Account and to Appoint Successor Trustee**

<b>DOD: 01/17/13</b>		<p><b>JENNIFER KAPUR KIRKLIN</b>, granddaughter and beneficiary is Petitioner.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>Dana Kahler ("Kahler"), is the current acting trustee of the Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (the "Granddaughter Trust"). The Granddaughter Trust is irrevocable.</li> <li>The Granddaughter Trust was to have been funded with the remainder and residue of the Bernice C. Kasabian Trust, dated 03/24/99 (the "Kasabian Trust"), for which Kahler also served as trustee.</li> <li>While serving as trustee of the Kasabian Trust, Kahler loaned substantial trust funds to his son's winery business without obtaining any security for those loans.</li> <li>In the informal accounting provided for the Kasabian Trust, there were three large cash withdrawals totaling \$21,950.00. Despite requests for explanation and identification of the purposes of these withdrawals, Kahler has avoided providing any response.</li> <li>The informal accounting also revealed that Kahler was drawing \$300.00 per month for services to the John Kasabian Trust, though no such trust exists. There were also trustee fees paid for "extra trust work", though no statements were presented to substantiate these extra charges.</li> <li>Pursuant to the terms of the Granddaughter Trust, the beneficiary should be receiving \$4,000.00 per month. Petitioner has been informed that the administration of the Kasabian Trust has been completed and the Granddaughter Trust has been funded. However, no accounting of the funding of the Granddaughter Trust has been forthcoming and the \$4,000.00 monthly payments to the beneficiary have not been made as required by the terms and provisions of the Granddaughter Trust.</li> </ol> <p>Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 02/03/15</u>  Minute Order from 02/03/15 states: Mr. Teixeira states he should be able to obtain waivers of bond. If the required documents are filed at least 2 court days prior, then no appearance is necessary 03/03/15.</p>	
<b>Cont. from 121814, 012015</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/o
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

## 6A Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Page 2

7. Despite being informed that the administration of the Kasabian Trust has been completed, no accounting was ever provided. Petitioner, who was also a beneficiary of the Kasabian Trust, received an informal accounting because she demanded it, but to her knowledge, no accounting was ever provided to the other beneficiaries of the Kasabian Trust.
8. The trust instrument does not appoint a successor trustee. Petitioner nominates Matt Bickel to serve as successor trustee, and in the event that he is unable to serve for any reason, Bruce Bickel may then serve as the alternate successor trustee. Petitioner requests that bond not be required of either successor trustee. **Consents to Serve by both Matt and Bruce Bickel attached to Petition.**
9. Petitioner requests that the Court order Dana Kahler to file an accounting within 45 days with the Court detailing his acts as trustee.

### **Petitioner prays for an Order:**

1. Removing Dana Kahler as trustee;
2. Appointing Matt Bickel as successor trustee without bond, vesting him with all the powers of trustee under the trust terms;
3. Appointing Bruce Bickel as alternate successor trustee without bond, vesting him with all the powers of trustee under the trust terms, in the event that Matt Bickel is unable to serve as trustee;
4. Requiring Dana Kahler to deliver the trust assets to the successor trustee within 30 days after issuance of the Order;
5. Compelling Dana Kahler to account fully for all trust property; and
6. For costs of suit herein and any other orders the court may deem proper.

### **Response of Trustee to Petition for Removal or Trustee, Account and to Appoint Successor Trustee** filed 01/27/15 states:

1. Respondent is the currently acting trustee of the Trust and Jennifer Kirklin is the beneficiary of the Trust.
2. Respondent is willing to resign as trustee as soon as the court approves and appoints a successor trustee.
3. The Trust was funded with the residue of the Bernice C. Kasabian Trust dated 03/24/99. An accounting was provided on 04/11/14. There were two binders of information provided.
4. On 04/11/14, the loans to JK Winery totaled \$410,784.11. These loans were made over a period of time when the stock market was dropping and banks were offering less than 1% interest on investments. The Trustee believed the loans to be a good safe investment for the Trust funds. All loans have been paid as agreed.
5. Trustee has not withdrawn any cash from the Trust. There were funds that were transferred from one account to another that were done in the form of cash so that no holds would be placed on the funds as they were transferred. The bank records will reflect that the monies were transferred into another account.
6. The John Kasabian Trust does exist and Trustee has been the Trustee of the John Kasabian Trust for many years. The only remaining assets in the John Kasabian Trust is some stock, with a value of less than \$15,000.00 that Trustee has been attempting to transfer into the Trust. There was some confusion with the social security numbers and tax ID numbers for the John Kasabian Trust that relate back to when Bernice Kasabian was alive and acting as trustee. Trustee has not been able to resolve this issue and get the stock transferred out of the John Kasabian Trust.

Continued on Page 3

**Dept. 303, 9:00 a.m. Tuesday, March 3, 2015**

## **6A Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)**

Page 3

7. From his appointment as trustee, Respondent has always been paid trustee fees. The fees were agreed upon while Bernice Kasabian was alive and have been consistent after Bernice's incapacity and death. Petitioner has always known about the trustee's fees.
8. The Trust is to distribute the sum of \$4,000.00/month to Petitioner. Trustee has been distributing \$3,000.00/month to Petitioner and has been allowing Petitioner to reside in the Heaton residence. The Bernice Kasabian Trust, purchased a residence in Madera, CA many years ago. Tens of thousands of dollars have been spent over the years repairing the Madera property for Petitioner. Petitioner moved into the Heaton property several years ago and rented out the Madera Property. The Heaton property was to be sold or rented out for income after Bernice's death. The rental value of the Heaton property would be in excess of \$2,000/month. Trustee has been allowing Petitioner to reside in the Heaton property for \$1,000/month. Petitioner has not signed a rental agreement. The rent of \$1,000/month plus cash of \$3,000/month equals \$4,000/month. Petitioner has chosen to rent out the Madera property and live in the Heaton property. It is Respondent's position that Petitioner is required to pay rent for the Heaton property if she chooses to reside there.
9. Respondent provided an accounting to Petitioner in April 2014. While the accounting was not formal, in court format, it was complete and bank statements and receipts were provided to Petitioner. A formal accounting can be prepared. All of the beneficiaries of the Bernice Kasabian Trust, other than Petitioner, received a specific gift. Each beneficiary received their gift, signed a receipt and waiver. None of the other beneficiaries requested an accounting.
10. Trustee is willing to resign as Trustee upon the Court appointing a successor Trustee.
11. Trustee will provide a full accounting of the Trust and requests at least 45 days to prepare the accounting and file it with the Court.

**Probate Status Hearing RE: Accounting of Dana Kahler and Waivers of Bond**

<b>DOD: 01/17/13</b>		<p><b>JENNIFER KAPUR KIRKLIN</b>, granddaughter and beneficiary filed a <b>Petition for Removal of Trustee, Account and to Appoint Successor Trustee</b> on 11/03/14.</p> <p>On 01/27/15, Respondent, Dana Kahler, filed a <b>Response of Trustee of Petition for Removal of Trustee Account and to Appoint Successor Trustee</b>.</p> <p><b>Minute Order</b> from hearing on 02/03/15 set this matter for a Status Hearing re: Accounting of Trustee and Waivers of Bond.</p> <p><b>Status Declaration of Counsel for Trustee Regarding Accounting</b> filed 02/26/15 states: The Court ordered the Trustee to file an accounting with the Court by 03/03/15. Attorney received the accounting documents from the trustee on 02/25/15 and has not been able to prepare the accounting in the court format. It appears that all of the information is there to prepare the accounting, but additional time will be needed. A 30 day continuance is respectfully requested.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 02/26/15 <b>Updates:</b> 02/27/15 <b>Recommendation:</b> <b>File 6B - Kasabian</b>	

NO TEMPORARY REQUESTED			NEEDS/PROBLEMS/COMMENTS:
JILL MCCOOL, daughter, is Petitioner and requests appointment as Conservator of the Estate with Probate Code § 2590 powers (specified below) with bond set at <b>\$36,800.00</b> .			<b>Court Investigator Advised Rights on 2/24/2015.</b>
<b>Estimated Value of the Estate:</b>			1. Caption of the <i>Petition</i> requests appointment of probate conservator of the estate only. Item 1(a) and 1(b) of the <i>Petition</i> request appointment of both conservator of the person and of the estate. Item 1(g) of the <i>Petition</i> requests the proposed Conservatee be adjudged to lack the capacity to give informed consent for medical treatment, which is a request associated with conservatorship of the person. Further, Item 5(c) of the <i>Petition</i> states the reasons the proposed Conservatee requires a conservator of the person are not applicable as the <i>Petition</i> is for conservatorship of the estate only. Need clarification and/or amended <i>Petition</i> .
Personal property - <b>\$ 9,200.00</b>			2. <i>Capacity Declaration</i> was filed on 2/4/2015, and <i>Declaration of Gary L. Winter</i> was filed 2/18/2015 to include the previously omitted Page 2 of the <i>Capacity Declaration</i> . However, because the <i>Petition</i> does not request conservatorship of the person, the purpose of these filings is unclear unless the <i>Petition</i> is amended to include a clear request for conservatorship of the person.
Annual income - <b>\$27,680.00</b>			<b>~Please see additional page~</b>
Total - <b>\$36,800.00</b>			
(Note: <b>\$212,000.00</b> interest in real property is excluded from total; estimated value is <b>\$248,800.00</b> with real property included.)			
~Please see Petition for details~			
Court Investigator's Report was filed on 2/24/2015.			
~Please see additional page~			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
Conf. Screen	X		
✓ Letters			
✓ Duties/Supp			
Objections			
✓ Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation	X		
FTB Notice			
Reviewed by: LEG			
Reviewed on: 2/26/15			
Updates:			
Recommendation:			
File 7 - Britton			

**Petitioner requests the following Probate Code § 2590 powers:**

- The power to borrow money on behalf of the proposed Conservatee [*Probate Code § 2591(e)*], as he is currently residing in an assisted living facility and does not have the funds to continue paying for a long period of time; the proposed Conservator needs to be able to explore options to borrow on behalf of the proposed Conservatee in order to pay for his continued care;
- The power to give security for the repayment of a loan [*Probate Code § 2591(f)*], as there is currently a reverse mortgage against the residence of the proposed Conservatee; the proposed Conservator seeks to refinance the reverse mortgage in order to pay for the care of the proposed Conservatee.

**NEEDS/PROBLEMS/COMMENTS, continued:**

3. Need *Citation for Conservatorship* pursuant to Probate Code § 1823, and proof of personal service of the *Citation* on the proposed Conservatee, **ROBERT L. BRITTON**, with a copy of the *Petition for Appointment of Probate Conservator* pursuant to Probate Code § 1824.
4. Need *Notice of Hearing—Conservatorship* [CG-020] and proof of service by mail of the notice with a copy of the *Petition* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for the following persons (*Note: The Proof of Service by First-Class Mail--Civil filed 2/4/2015 and 2/18/2015 are insufficient for this purpose*):
  - Robert Britton, Jr., son;
  - Robby Britton, grandson;
  - Taylor Britton, granddaughter;
  - Dane Spradlin, grandson;
  - Bena Wilbern, [*relationship unstated*];
  - Holly Spradlin, granddaughter;
  - Brittani McCool, granddaughter;
  - Cori McCool, granddaughter;
  - Matt Colangelo, grandson.
5. *Confidential Conservator Screening Form* filed 1/22/2015 provides in Item 1(a) through (c) the information pertaining to the proposed Conservatee, **ROBERT L. BRITTON**, rather than to the proposed Conservator as required. Additionally, Item 1(e) is incomplete at contact information. Need revised *Confidential Conservator Screening Form*.
6. *Petition* requests the following specific Probate Code § 2590 powers: The power to borrow money on behalf of the proposed Conservatee (*Probate Code § 2591(e)*), and the power to give security for the repayment of a loan (*Probate Code § 2591(f)*), based upon the proposed Conservatee's real property currently having a reverse mortgage. Bond should be posted in the sum of **\$273,680.00** (taking into account personal property, annual income, and real property of **\$248,800.00**) pursuant to the calculation provided in Probate Code § 2320 and CA Rule of Court 7.207, due to the fact that Petitioner seeks powers directly related the real property, which powers pursuant to Probate Code § 2590(b) are not otherwise granted to conservators of the estate without obtaining prior Court authorization for any real property transactions.

Atty Rosá, Randall W., of Lodi (for Petitioner Michael B. Bebb)

**Petition for Letters of Administration; Authorization to Administer Under IAEA  
(Prob. C. 8002, 10450)**

<b>DOD: 4/29/2014</b>	<b>MICHAEL B. BEBB</b> , son, is Petitioner and requests appointment as Administrator without bond ( <i>All heirs waive bond.</i> )		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Court will set status hearings as follows: <ul style="list-style-type: none"> <li><b>Monday, August 3, 2015 at 9:00 a.m. in Dept. 303</b> for filing of inventory and appraisal; and</li> <li><b>Tuesday, May 3, 2016 at 9:00 a.m. in Dept. 303</b> for filing of first account and/or petition for final distribution.</li> </ul> Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
<b>Cont. from</b>	Full IAEA — OK		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate.		
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>	Residence — Fresno		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Publication — Business Journal		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	<b>Estimated value of the Estate:</b> Real property - <b>\$150,000.00</b> <hr/> <b>Total</b> - <b>\$150,000.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>	Probate Referee: <b>Rick Smith</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 2/26/15
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File</b> 8 – Bebb



Atty Jaech, Jeffrey A. (for Petitioner Dustin C. Reynolds, son)

**Petition for Letters of Administration; Authorization to Administer Under IAEA  
(Prob. C. 8002, 10450)**

<b>DOD: 1/15/2015</b>		<b>DUSTIN C. REYNOLDS</b> , son, is Petitioner and requests appointment as Administrator with bond set at <b>\$150,000.00</b> .  Full IAEA — OK  Decedent died intestate.  Residence — Fresno Publication — Business Journal  <b>Estimated value of the Estate:</b> Personal property - <b>\$20,000.00</b> Real property - <b>\$130,000.00</b> <b>Total - \$150,000.00</b>  Probate Referee: <b>Rick Smith</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Note:</u> Court will set status hearings as follows:  <ul style="list-style-type: none"> <li><b>Monday, April 6, 2015 at 9:00 a.m. in Dept. 303</b> for filing proof of bond;</li> <li><b>Monday, August 3, 2015 at 9:00 a.m. in Dept. 303</b> for filing of inventory and appraisal; and</li> <li><b>Tuesday, May 3, 2016 at 9:00 a.m. in Dept. 303</b> for filing of first account and/or petition for final distribution.</li> </ul> Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/O		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Reviewed by: LEG

Reviewed on: 2/26/15

Updates:

Recommendation: SUBMITTED

File 9 - Reynolds

Atty Pape, Jeffrey B. (for Petitioner Harold Rick Moore, son)

Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/14/2014		<p align="center"><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>CONTINUED TO 5/14/2015</b></p> <p align="center">Per attorney request</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 2/26/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 10 – Moore</p>

Atty Salazar, Steven F. (for Petitioner Michael M. Haraguchi)

## Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 6/14/2013</b>	<b>MICHAEL M. HARAGUCHI</b> , son, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>
	40 days since DOD.		
	No other proceedings.		1. Need original Will of the Decedent to be deposited with the Court pursuant to Probate Code § 8200. Deposit fee of <b>\$50.00</b> will be due from Petitioner prior to the order for distribution being processed for Petitioner.
<b>Cont. from</b>	I & A - <b>\$125,000.00</b>		
<input checked="" type="checkbox"/> <b>Aff.Sub.Wit.</b>		<b>Will dated 1/6/1987</b> devises real property to Michael Haraguchi, and the residue of the estate to Decedent's five children in equal shares.  <b>Petitioner requests</b> Court determination that Decedent's <b>33.4%</b> interest in real property located at 7625 S. Reed Ave., Reedley, passes to the Petitioner pursuant to Decedent's Will. (Note: Petitioner owns the other 66.6% interest in the real property.)	2. Item 9 of the <i>Petition</i> states decedent's spouse is deceased. Attachment 14 to the <i>Petition</i> does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1 (D).
<input checked="" type="checkbox"/> <b>Verified</b>			
<input checked="" type="checkbox"/> <b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 2/26/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 11 - Haraguchi</b>

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 11-25-04		<p><b>FRESNO COUNTY PUBLIC ADMINISTRATOR</b> was appointed Successor Administrator on 11-28-06.</p> <p><b>Background: PRESTON VAN CAMP</b>, Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&amp;A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.</p> <p>A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.</p> <p>On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.</p> <p>The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p> <p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p> <p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Status Report filed 2-26-15 by Public Administrator states</b> the unlawful detainer has been filed, but it took significantly longer to serve Pamela Van Camp than usual with the complaint. She was finally served on 2-18-15. Ms. Van Camp filed an answer on 2-23-15 that was received by the Public Administrator on 2-25-15. Once the unlawful detainer proceedings have concluded, the Public Administrator anticipates the house will require significant debris removal and cleaning before it can be sold. <b>The Public Administrator requests that the status hearing on the final account be set no sooner than 4 months.</b></p>	
Cont from 041814, 052314, 111714, 011215, 012015				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 2-25-15</p> <p><b>Updates:</b> 2-27-15</p> <p><b>Recommendation:</b></p> <p><b>File 12 – Van Camp</b></p>
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				

<b>DOD: 10-7-12</b>		<b>PAUL T. CHAMBERS</b> was appointed Practice Administrator on 10-16-13 pursuant to Probate Code §9764.  Bond of \$47,000.00 was filed 3-17-14 pursuant to Probate Code §9764(d).  The First Account of IOLTA Trust Funds by Court-Appointed Practice Administrator was settled on 2-3-15, and the Court set this status hearing re: renewal of bond.  <b>Declaration of David A. Roberts Regarding Bond Waiver for Practice Administrator filed 2-18-15 states:</b>  At the time of the filing of the Petition for Assumption of Law Practice of David J. St. Louis, there were trust funds in the IOLTA aka Attorney/Client Trust account of David J. St. Louis. Mr. St. Louis died 10-7-12 and no one could write checks to distribute the funds remaining in the account. Accordingly, the practice administrator was appointed not only to write checks from the IOLTA account to the recipients, but to assist in closing the law practice of David J. St. Louis. Upon his appointment, the Court required Mr. Chambers to post a bond of \$47,000.00 – an amount to coincide with the funds in the IOLTA.  On 2-3-15, an Order Settling the First Account of IOLTA Trust Funds by Court-Appointed Practice Administrator was signed by the Honorable D.J. Kazanjian. The order provided for payment of the remaining funds in the IOLTA account to the persons entitled thereto. On 2-10-15, checks were written and disbursed in accordance with the Order. There is now a zero balance in the IOLTA account and all persons entitled to money from the account have been paid.  <b><u>SEE PAGE 2</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Probate Code 9764(h) states that upon settlement of the final accounting, the practice administrator shall be discharged and surety on bond exonerated. A final account has not yet been filed, and receipts have not been filed for payments authorized in the First Account settled 2-3-15. The Court may require authority for waiver of bond.  2. Requests for Special Notice have been filed by Attorney J. Patrick Sullivan, as stated in the status report, <i>and also by Walter Wentz</i> . Notice of this status hearing or report has not been served.  <b><u>Note: The Court may set status hearing for the filing of the final account as appropriate.</u></b>  <b>Reviewed by:</b> skc <b>Reviewed on:</b> 2-26-15 <b>Updates:</b> 2-27-15 <b>Recommendation:</b> <b>File 13 – St. Louis</b>

**Page 2**

No probate estate was opened for Mr. St. Louis because all of his assets passed to his wife, Joan St. Louis. She is the sole beneficiary of his estate.

It has been approximately two years and four months since Mr. St. Louis' death, and there are no creditors to be paid.

When Mr. St. Louis passed away, his active legal cases were distributed to attorney Tim Magill who was to contact the client, inform them of Mr. St. Louis' death, and determine whether the client wished Mr. Magill to handle the matter or have the matter referred to another attorney. In almost all situations, the clients opted to stay with Mr. McGill. Mr. McGill has informed Joan St. Louis that there are funds owed to David J. St. Louis, Inc., for work done by Mr. St. Louis prior to his death.

The only tasks left to wrap up the law practice of Mr. St. Louis are negotiating with Mr. McGill the amounts to be paid with regard to these cases, and ultimately collecting the agreed upon amounts.

All proceeds will belong to David St. Louis' widow, Joan St. Louis. Mrs. St. Louis has waived the requirement of bond in this matter, waiver being filed concurrently herewith.

Attorney Patrick Sullivan has requested Special Notice in this matter, and proper notice will be given to him.

<b>DOD: 11-19-11</b>	<b>DALE EWING</b> was appointed Administrator with Full IAEA with bond of \$53,500.00 on 11-13-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Minute Order 1-9-15:</b> Counsel represents that the home sold on 12/29/14 and requests an additional 30 days. If the petition is filed at least two court days prior to the hearing date, then no appearance is necessary on 3/3/15.
<b>Cont 010915</b>	At the hearing on 11-13-13, the Court set this status hearing for the filing of the first account or petition for final distribution.	<b>As of 2-25-15, an account has not been filed.</b>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		<b>1. Need first account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to Local Rule 7.5.</b>
<b>Inventory</b>		
<b>PTC</b>	Bond was filed and Letters issued on 1-16-14.	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	Final I&A filed 8-19-14 reflects real and personal property with a total value of \$37,680.42.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 2-25-15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 - Kempf</b>

Atty Armo, Lance E. (for Executor Kevin R. Benzler)

## Probate Status Hearing Re: Filing Inventory and Appraisal

<b>DOD: 9-9-12</b>	<b>KEVIN R. BENZLER</b> was appointed Executor with Full IAEA without bond on 9-16-14 and Letters issued 9-17-14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b>OFF CALENDAR</b></p> <p><b>Final Inventory and Appraisal filed 1/29/2015.</b></p>
	At the hearing on 9-16-14, the Court set this status hearing re filing of the Inventory and Appraisal.	
	Amended Letters issued 11-13-14.	
	I&A Partial No. 1 was filed 12-29-14.	
	A Final I&A has not yet been filed.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 2/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Benzler</b>



		<b>CHARLOTTE A. YOUNG</b> , Conservator without bond, is Petitioner.  Account period: 5-12-13 through 6-30-14 Accounting:       \$ 23,376.81 Beginning POH:   \$       2.14 Ending POH:       \$     748.32  Conservator: \$750.00 (\$50/month)  Petitioner requests an order: 1. For settlement and allowance of this account and report and approval and confirmation of the acts of petitioner as conservator; 2. For \$750 as compensation to the conservator for her services to the Conservatee during the period of this account; 3. For such other orders as the Court deems proper.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Notice of Hearing.  2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §§ 1460, 1461.5 on: - Acie Lee Hopkins (Conservatee) - Office of Veterans Administration  3. There are numerous bank and ATM charges. The Court may require clarification.  4. Need order.
<b>Cont from 010615</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b> x		
<input type="checkbox"/>	<b>Aff.Mail</b> x		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>2620(c)</b>		
<input type="checkbox"/>	<b>Order</b> x		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		Reviewed by: skc Reviewed on: 2-25-15 Updates: Recommendation: File 16 - Hopkins	

		<b>TIFFANY JUSTESEN</b> , mother, is Petitioner.  <b>GREG STEEN</b> and <b>STEPHANIE STEEN</b> , non-relatives, were appointed as Co-Guardians of the Person on 02/06/13 – Consent & Waiver of Notice signed by both guardians on 11/05/14  Father: <b>JOSHUA RICHARDSON</b> – served by mail on 01/21/15  Paternal grandfather: DONALD RICHARDSON – served by mail on 01/21/15 Paternal grandmother: SHERRY RICHARDSON – served by mail on 01/21/15  Maternal grandfather: PATRICK JUSTESEN – served by mail on 01/21/15 Maternal grandmother: ROBIN DAVES – served by mail on 01/21/15  <b>Petitioner states</b> that she is willing and able to raise her daughter. She states that she is clean and sober for over a year, completed parenting classes and has her own home. She also states that she has had a steady job for 9 months and that Jessie is with her 3 days a week already.  <b>Court Investigator Jennifer Young filed a report on 01/13/15.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 01/20/15</b></u>
<b>Cont. from 012015</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>	w/	
✓	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 02/26/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 17 - Richardson</b>	

## Amended Spousal Property Petition

<b>DOD: 2-2-01</b>		<b>BARBARA MORRIS</b> , Surviving Spouse, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The petition is blank at #5.b. Was the decedent survived by issue of a predeceased child? 2. The petition is blank at #6. Was the decedent survived by parents or siblings? 3. Petitioner checked Box 1a indicating that she is requesting determination of property passing to her; however, the petition is blank at #7a and does not contain Attachment 7a (legal description). 4. The petition is blank at #8. Does a written agreement exist? 5. Petitioner states at #12 that a petition for probate is being filed with this petition. Need clarification. The Court may consolidate this case with the probate, if any. 6. The marriage certificate attached is not an official marriage license issued by the County of Fresno. Were Petitioner and the decedent legally married? 7. The attached grant deed indicates joint tenancy, which means that the property may pass pursuant to real property laws and Court order may not be required for the property to pass to Petitioner.  However, the copy provided is incomplete and does not show the legal description, so Examiner is unable to confirm if this is the same property as requested to pass. 8. The petition was filed with a fee waiver. If property is determined to pass to Petitioner, the filing fee for this petition \$435 is due. 9. Need order, complete with legal description. Local Rule 7.1.1.F.  Reviewed by: skc Reviewed on: 2-25-15 Updates: Recommendation: File 18 - Morris
		Decedent died intestate	
		Petitioner states she is the only surviving relative of the decedent.	
<b>Cont from 010615</b>		She and the decedent were married 8-21-99 in Fresno County. Mr. Morris' health began to decline in late 2000 from ALS, which led to his death on 2-2-01. Mr. Morris purchased the home at 20868 Troutdale Ln in Riverdale, CA, in approx. July 1999 while they prepared for wedding.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	x	
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	x	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Petitioner states she is the only surviving relative of the decedent. She and the decedent were married 8-21-99 in Fresno County. Mr. Morris' health began to decline in late 2000 from ALS, which led to his death on 2-2-01. Mr. Morris purchased the home at 20868 Troutdale Ln in Riverdale, CA, in approx. July 1999 while they prepared for wedding. See attached Grant Deed. During their short time, Mr. and Mrs. Morris spent much time dealing with Carl's illness and neglected to address constructing a living will. Mrs. Morris lost sight of the financial situation due to being grief stricken, and was not prepared emotionally or financially for Carl's passing. Since his passing, Mrs. Morris has continued to keep up the payments and the upkeep of the property and she is asking the Court to grant her the property as Carl's surviving spouse.

Attachments include the decedent's birth and death certificates, marriage certificate, a mortgage statement indicating the decedent's name only, and a Grant Deed recorded 7-20-99 in which Carl E. Morris, an unmarried man, and Barbara Mc Ausland, an unmarried woman, grant to themselves, Carl E. Morris, an unmarried man, and Barbara Mc Ausland, an unmarried woman, as joint tenants, property as attached; however, the attachment to the Grant Deed is not provided.

Petitioner requests Court determination that the property passes to her.

- The petition is blank at #5.b. Was the decedent survived by issue of a predeceased child?
- The petition is blank at #6. Was the decedent survived by parents or siblings?
- Petitioner checked Box 1a indicating that she is requesting determination of property passing to her; however, the petition is blank at #7a and does not contain Attachment 7a (legal description).
- The petition is blank at #8. Does a written agreement exist?
- Petitioner states at #12 that a petition for probate is being filed with this petition. Need clarification. The Court may consolidate this case with the probate, if any.
- The marriage certificate attached is not an official marriage license issued by the County of Fresno. Were Petitioner and the decedent legally married?
- The attached grant deed indicates joint tenancy, which means that the property may pass pursuant to real property laws and Court order may not be required for the property to pass to Petitioner.  
  
However, the copy provided is incomplete and does not show the legal description, so Examiner is unable to confirm if this is the same property as requested to pass.
- The petition was filed with a fee waiver. If property is determined to pass to Petitioner, the filing fee for this petition \$435 is due.
- Need order, complete with legal description. Local Rule 7.1.1.F.

Reviewed by: skc

Reviewed on: 2-25-15

Updates:

Recommendation:

File 18 - Morris

**Amended Petition to Determine Succession to Real Property**

<b>DOD: 3-14-14</b>		<b>FLORINE FURLOW</b> , Companion and sole beneficiary pursuant to the Decedent's will, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> 1. The original will has not been deposited with the Court pursuant to Probate Code §8200. Need original will.  2. The decedent's will is not self-proving. Although the will is not being admitted to probate, this summary proceeding does necessarily include a determination of validity of the will. See Probate Code §13151 and commentary. The Court may require Proof of Subscribing Witness (Form DE-131).  3. Petitioner, who is the sole beneficiary according to the will, is one of the subscribing witnesses. It is unclear if there are two other witnesses, or just one (illegible). The Court may require the Proof of Subscribing Witness to be signed by one of the other witnesses, and may also require clarification with regard to the presumption of undue influence as described in Probate Code §6112.  4. Petition is incomplete at #9a (1) and (2). Was the decedent survived by a spouse or no spouse? If no spouse, was the decedent divorced or never married, or is the spouse deceased? If the spouse is deceased, need date of death per Local Rule 7.1.1.D.  5. Petition is incomplete at #9a(5) and (6) as to whether the decedent was survived by any children. <u>Note:</u> The decedent's will indicates that he had at least one daughter, Diana Moore, who is entitled to notice. All children should be listed at Attachment 14. See below.  <u>SEE PAGE 2</u>
		40 days since DOD	
	<b>Aff.Sub.Wit.</b>	x	
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	x	
	<b>Aff.Mail</b>	x	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
No other proceedings			
I&A: \$66,500.00 (real property and personal property including a vehicle and home furnishings)			
Petitioner requests Court determination that the real and personal property pass to her pursuant to Decedent's will.			
Reviewed by: skc Reviewed on: 2-26-15 Updates: Recommendation: File 19 - Moore			

## Page 2

6. Need Attachment 11, which should contain the legal description of the real property, a description of the personal property, and state the decedent's interest in each.

Note: There is a page stapled to the petition, after the will, that lists assets, but it is unclear if this is an attachment to the will, or if this is meant to be Attachment 11. Regardless, it does not state the decedent's interest in the assets. Petitioner states at #15 that she is a "tenant in common," which indicates that the decedent did not own the property in its entirety. What was the decedent's interest in the real property and the other assets?

7. Petition is incomplete at #13 – it only states the legal description of the real property. Need specific property interest of the real and personal property claimed by Petitioner.
8. Need Attachment 14, which should contain the names, ages, and addresses of all persons named in #1, #9, and #10, which would include the petitioner and the decedent's relatives (spouse, if any, children, and dates of death if deceased).
9. Petition is incomplete at #15. The named alternate executor, Mary Price, should be listed here, and is entitled to notice.
10. Petitioner states at #16 that she is the trustee of a trust that is a devisee under the decedent's will. That does not appear to be the case. The Court may require clarification.
11. Need Notice of Hearing.
12. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §13153 on:
- Diana Moore (Daughter, per the decedent's will)
  - Mary Price (Named Alternate Executor)
  - Any other relatives pursuant to issues noted above.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
		<b>CLARITA MARTINEZ</b> , non-relative, is Petitioner.	<b><u>CONTINUED FROM 01/13/15</u></b> <b>As of 02/26/15 the following note remains:</b>  1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Maternal grandparents
		Father: <b>NIZANDRO PINEDA SOLORIO</b> – deceased	
Cont. from 011315		Mother: <b>MAGGIE SOLORIO</b> aka <b>MARGARITA NUNEZ</b> – Consent & Waiver of Notice filed 12/15/14; Personally served on 02/08/15	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg	Paternal grandparents: NOT LISTED – Court dispensed with notice on 01/13/15	
<input type="checkbox"/>	Aff.Mail	x Maternal grandparents: NOT LISTED	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Siblings: RAYMOND PINEDA, DESTINY PEREZ – Consents & Waiver of Notice filed 12/15/14	
✓	Pers.Serv.	w/	
✓	Conf. Screen	<b>Petitioner states</b> that Bryan's mother was deported and his father is deceased.	
✓	Letters	Petitioner states that she is the only person in the United States that is willing to provide him a better life and help with his special needs.	
✓	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
✓	CI Report	<b>Court Investigator Jennifer Daniel filed a report on 12/18/14.</b>	
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
✓	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 02/26/15
			Updates:
			Recommendation:
			File 20 - Pineda

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Kash, 8		<p align="center"><b><u>TEMPORARY EXPIRES 03/03/15</u></b></p> <p><b>JENNIFER ELDRIDGE</b>, maternal aunt, is Petitioner.</p> <p>Father: <b>RICHARD JACKSON</b>, currently incarcerated – served by mail on 11/15/14</p> <p>Mother: <b>STACY ELDRIDGE</b> – Personally served on 11/14/14</p> <p>Paternal grandparents: DECEASED</p> <p>Maternal grandfather: STEPHEN ELDRIDGE          Maternal grandmother: DECEASED</p> <p><b>Petitioner states</b> that the mother suffered a heart attack and is hospitalized and the father is currently incarcerated. The father has a history of domestic violence and drug abuse.</p> <p><b>Court Investigator Julie Negrete filed a report on 12/22/14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 01/13/15</u></b></p> <p>1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>a. Richard Jackson (father) – personal service required</p> <p>b. Stephen Eldridge (maternal grandfather) – service by mail sufficient</p>	
Kalyssa, 7				
<b>Cont. from 011315</b>				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w/
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 02/26/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 21 - Jackson</b></p>		

**22A James Lockhart, Isaiah Lockhart, Skyla Lockhart, Coreatha Lockhart  
(GUARD/P)**

**Case No. 14CEPR01172**

**Atty Smith, Everlener (pro per – paternal great aunt/Petitioner)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

James, 7	<b><u>NO TEMPORARY IN PLACE</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Isaiah, 4	<b>EVERLENER SMITH</b> , aunt, is Petitioner.		<b>This Petition pertains to Skyla only.</b>  1. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. James Lockhart, Jr. (father) – personal service required b. April Serna (mother) – personal service required c. James Lockhart, Sr. (paternal grandfather) – service by mail sufficient d. Paternal grandmother – service by mail sufficient e. Amos (maternal grandfather) – service by mail sufficient f. Teresa Serna (maternal grandmother) – service by mail sufficient  <b>Note:</b> Proof of service filed 01/06/15 states that the parents were served by mail on 01/05/15; however, service by mail is insufficient for the parents, personal service is required for the parents
Skyla, 2	Father: <b>JAMES LOCKHART, JR.</b> – currently incarcerated; served by mail on 01/05/15		
Coreatha, 9 mos.	Mother: <b>APRIL SERNA</b> - served by mail on 01/05/15		
Cont. from			
Aff.Sub.Wit.	Paternal grandfather: JAMES LOCKHART, SR.		
✓ Verified	Paternal grandmother: UNKNOWN		
Inventory			
PTC	Maternal grandfather: AMOS		
Not.Cred.	Maternal grandmother: TERESSA SERNA		
✓ Notice of Hrg	<b>Petitioner states</b> that the mother is unable to provide a stable environment for the children. CPS removed the children from the mother.		
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x	<b>Court Investigator Dina Calvillo filed a report on 02/24/15.</b>	
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 02/26/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 22A - Lockhart</b>

**22A**



**22B James Lockhart, Isaiah Lockhart, Skyla Lockhart, Coreatha Lockhart  
(GUARD/P)**

**Case No. 14CEPR01172**

**Atty Jones, Rita (pro per – paternal great-aunt/Petitioner)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

James, 7	<b><u>TEMPORARY EXPIRES 03/03/15</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Isaiah, 4	RITA JONES, paternal great-aunt, is Petitioner.		<b>This Petition pertains to Coreatha only.</b>  2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: g. James Lockhart, Jr. (father) – personal service required h. April Serna (mother) – personal service required i. James Lockhart, Sr. (paternal grandfather) – service by mail sufficient j. Paternal grandmother – service by mail sufficient k. Amos (maternal grandfather) – service by mail sufficient l. Teresa Serna (maternal grandmother) – service by mail sufficient  <b>Note:</b> Proof of service filed 01/06/15 states that the parents were served by mail on 01/05/15; however, service by mail is insufficient for the parents, personal service is required for the parents
Skyla, 2	Father: <b>JAMES LOCKHART, JR.</b> – <i>currently incarcerated; served by mail on 01/05/15</i>		
Coreatha, 10 mos.	Mother: <b>APRIL SERNA</b> - <i>served by mail on 01/05/15</i>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Paternal grandfather: JAMES LOCKHART, SR.		
<input type="checkbox"/> Inventory	Paternal grandmother: UNKNOWN		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Maternal grandfather: AMOS		
<input checked="" type="checkbox"/> Notice of Hrg	Maternal grandmother: TERESSA SERNA		
<input checked="" type="checkbox"/> Aff.Mail	<b>Petitioner states</b> that the mother is unable to provide a stable environment for the children. CPS removed the children from the mother.		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Conf. Screen	<b>Court Investigator Jennifer Young filed a report on 02/23/15.</b>		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input checked="" type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 02/26/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 22B - Lockhart</b>

**22B**

**22C James Lockhart, Isaiah Lockhart, Skyla Lockhart, Coreatha Lockhart  
(GUARD/P)**

**Case No. 14CEPR01172**

**Atty McGee, Mary (pro per – paternal great-aunt/Petitioner)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

James, 7	<b><u>NO TEMPORARY IN PLACE</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Isaiah, 4	<b>MARY MCGEE</b> , paternal great-aunt, is Petitioner.		<p><b>This Petition pertains to James and Isaiah only.</b></p> <p>3. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> <li>m. James Lockhart, Jr. (father) – personal service required</li> <li>n. April Serna (mother) – personal service required</li> <li>o. James Lockhart, Sr. (paternal grandfather) – service by mail sufficient</li> <li>p. Paternal grandmother – service by mail sufficient</li> <li>q. Amos (maternal grandfather) – service by mail sufficient</li> <li>r. Teresa Serna (maternal grandmother) – service by mail sufficient</li> </ul> <p><b>Note:</b> Proof of service filed 01/06/15 states that the parents were served by mail on 01/05/15; however, service by mail is insufficient for the parents, personal service is required for the parents</p>
Skyla, 2	Father: <b>JAMES LOCKHART, JR.</b> – <i>currently incarcerated; served by mail on 01/05/15</i>		
Coreatha, 10 mos.	Mother: <b>APRIL SERNA</b> - <i>served by mail on 01/05/15</i>		
Cont. from	Paternal grandfather: JAMES LOCKHART, SR.		
Aff.Sub.Wit.	Paternal grandmother: UNKNOWN		
✓ Verified	Maternal grandfather: AMOS		
Inventory	Maternal grandmother: TERESSA SERNA		
PTC	<b>Petitioner states</b> that the mother is unable to provide a stable environment for the children. CPS removed the children from the mother.		
Not.Cred.	<b>Court Investigator Samantha Henson filed a report on 02/23/15.</b>		
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 02/26/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 22C - Lockhart</b>

**22C**

**22D James Lockhart, Isaiah Lockhart, Skyla Lockhart, Coreatha Lockhart  
(GUARD/P) Case No. 14CEPR01172**

**Atty McGee, Mary (pro per – aunt/Petitioner)**

**Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

James, 7	<b><u>NO TEMPORARY IN PLACE</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Isaiah, 4	<b>MARY MCGEE</b> , aunt, is Petitioner.		<b><u>CONTINUED FROM 01/07/15</u></b>
Skyla, 2	Father: <b>JAMES LOCKHART, JR.</b> - served by mail on 01/05/15		<b>This petition pertains to James and Isaiah only.</b>
Coreatha, 9 mos.	Mother: <b>APRIL SERNA</b> - served by mail on 01/05/15		
<b>Cont. from 010715</b>			
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: JAMES LOCKHART, SR.		
<input checked="" type="checkbox"/> Verified	Paternal grandmother: UNKNOWN		
<input type="checkbox"/> Inventory	Maternal grandfather: AMOS		
<input type="checkbox"/> PTC	Maternal grandmother: TERESSA SERNA		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	<b>Petitioner states</b> that the mother is unable to provide a stable environment for the children. CPS removed the children from the mother.		1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. James Lockhart, Jr. (father) b. April Serna (mother) <b>Note:</b> Proof of service filed 01/06/15 states that the parents were served by mail on 01/05/15; however, service by mail is insufficient, personal service is required for the parents
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 02/26/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 22D - Lockhart</b>

**22D**

**22E James Lockhart, Isaiah Lockhart, Skyla Lockhart, Coreatha Lockhart  
(GUARD/P) Case No. 14CEPR01172**

**Atty Smith, Everlener (pro per – aunt/Petitioner)**  
**Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)**

James, 7	<b><u>NO TEMPORARY IN PLACE</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Isaiah, 4	EVERLENER SMITH, aunt, is Petitioner.	<b><u>CONTINUED FROM 01/07/15</u></b>
Skyla, 2	Father: <b>JAMES LOCKHART, JR.</b> - served by mail on 01/05/15	<b>This petition pertains to Skyla only.</b>
Coreatha, 9 mos.	Mother: <b>APRIL SERNA</b> - served by mail on 01/05/15	
Cont. from 010715	Paternal grandfather: JAMES LOCKHART, SR.	
Aff.Sub.Wit.	Paternal grandmother: UNKNOWN	
✓ Verified		
Inventory	Maternal grandfather: AMOS	
PTC	Maternal grandmother: TERESSA SERNA	
Not.Cred.		
✓ Notice of Hrg	<b>Petitioner states</b> that the mother is unable to provide a stable environment for the children. CPS removed the children from the mother.	3. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: c. James Lockhart, Jr. (father) d. April Serna (mother) <b>Note:</b> Proof of service filed 01/06/15 states that the parents were served by mail on 01/05/15; however, service by mail is insufficient for the parents, personal service is required for the parents
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	x	
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 02/26/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 22E - Lockhart</b>

**22E**

			<b><u>TEMPORARY WAS GRANTED EX PARTE ON 02/17/2015</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: Page 24 is the Petition for Appointment of Conservatorship of Fatemeh Shakeri, spouse of this proposed conservatee.</b>  <b>COURT ADVISED RIGHTS 02/18/2015</b>  1. Need Video receipt for each conservator pursuant to Locale Rule 7.15.8(A).
			<b><u>TEMPORARY ORDERS WERE REVOKED ON 02/24/2015</u></b>		
			<b><u>GENERAL HEARING 04/01/2015</u></b>		
			<b><u>Please see Petition for details.</u></b>		
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				
					Reviewed by: LV
					Reviewed on: 02/27/2015
					Updates:
					Recommendation:
					File 23 - Rahnama

			<b><u>TEMPORARY WAS GRANTED EX PARTE ON 02/17/2015</u></b>	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  Note: Page 23 is the Petition for Appointment of Conservatorship of Abdolah Rahnama, spouse of this proposed conservatee.  <b>COURT ADVISED RIGHTS 02/18/2015</b>  1. Need Video receipt for each conservator pursuant to Locale Rule 7.15.8(A).
			<b><u>TEMPORARY ORDERS WERE REVOKED ON 02/24/2015</u></b>	
			<b><u>GENERAL HEARING 04/01/2015</u></b>	
			<b><u>Please see Petition for details.</u></b>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LV
				Reviewed on: 02/27/2015
				Updates:
				Recommendation:
				File 24 - Shakeri

		<u><b>GENERAL HEARING: 04/27/15</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>ESTEFANY VICTORIA HERNANDEZ NAVARRO</b>, minor, is Petitioner and requests that <b>MARIA CECILIA NAVARRO</b>, maternal aunt, be appointed as Guardian of the Person.</p> <p>Father: <b>SANTOS HERNANDEZ</b> –  <i>Declaration of Due Diligence filed 02/19/15</i></p> <p>Mother: <b>FRANCISCA NAVARRO ALVARADO</b> – <i>Declaration of Due Diligence filed 02/19/15</i></p> <p>Paternal grandparents: NOT LISTED</p> <p>Maternal grandparents: NOT LISTED</p> <p>Sibling: JOSUE HERNANDEZ NAVARRO</p> <p><b>Petitioner states</b> guardianship is necessary because the minor has been neglected by both parents. Petitioner is able and willing to provide a safe and stable living environment. Reunification with both parents would be detrimental to the minor and the child needs a guardian appointed to qualify for Special Immigrant Juvenile Status.</p>	<p>1. Need <i>Notice of Hearing</i>.</p> <p>2. Declarations of Due Diligence filed 02/19/15 states that the parents have not been seen or heard from since April 2014 and their current whereabouts are unknown. If diligence is not found, need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> for:</p> <p>a. Santos Hernandez (father)</p> <p>b. Francisca Navarro Alvarado (mother)</p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			x
<input type="checkbox"/>	<b>Aff.Mail</b>			
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			x
✓	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
✓	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
✓	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 02/27/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 25 - Navarro</b>		

(1) First Account Current and Report of Conservator and Petition for its Settlement,  
(2) for Approval of Sale of Depreciating Property, (3) for Approval of Donation,  
and (4) for Allowance of Conservator's and Attorney's Compensation

DOD: 12/8/2014		<p><b>IRENE V. SANTOS</b>, daughter and Conservator of the Person and Estate appointed on <u>11/8/2012</u> with bond set at <b>\$123,895.00</b>, is Petitioner.</p> <p align="center"><i>~Please see Petition for details~</i></p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>Approving and settling the First Account;</li> <li>Approving all acts and transactions of the Conservator relating to the conservatorship;</li> <li>Approving and confirming the sale of the Conservatee's recreational vehicle [appraised at <b>\$12,500.00</b> and sold for <b>\$1,000.00</b>] as a sale of a depreciating asset;</li> <li>Approving and confirming the donation to the local Salvation Army of Conservatee's furniture and furnishings [valued at <b>\$960.00</b>] as a donation of depreciating assets;</li> <li>Authorizing and directing Conservator to pay herself <b>\$13,425.00</b> as compensation for her services rendered; and</li> <li>Authorizing directing Conservator to pay the Attorney fees of <b>\$10,300.00</b> as compensation for services rendered.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>OFF CALENDAR</b></p> <p align="center"><b>Order Regarding First Account, etc., signed on 2/24/2015.</b></p> <p><b>Note:</b> Court will set status hearing as follows:</p> <ul style="list-style-type: none"> <li><b>Monday, August 24, 2015 at 9:00 a.m. in Dept. 303</b> for filing of the <u>final</u> account.</li> </ul> <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from 090814, 100814, 102914, 012015, 022415			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	Proof of Bond		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: LEG
Reviewed on: 2/26/15
Updates:
Recommendation:
File 26 - Murillo



**Atty Keeler, William J. (for Petitioner Kathleen Whitehurst)**

**Atty Dmytryk, Peter L. (for Trustees John P. McCann and Collen Dempsey)**

**Atty Thompson, Charles (for Daniel McCann)**

Amended Petition for Order Instructing the Co-Trustees to Vote the Trust's Limited Partnership Interest for Dissolution, for and Accounting, to Instruct Co-Trustees to Account as Agents Under Power of Attorney, for Declaration Relief as to General Partner; for Order Removing 'Defacto' General Partner and Appointing Successor General Partner with Instructions for Dissolution

		<b>KATHLEEN WHITEHURST</b> filed the Amended Petition for Order Instructing the Co-Trustees to Vote the Trust's Limited Partnership Interest for Dissolution, for and Accounting, to Instruct Co-Trustees to Account as Agents Under Power of Attorney, for Declarationy Relief as to General Partner; for Order Removing 'Defacto' General Partner and Appointing Successor General Partner with Instrustions for Dissolution on 11-13-14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> This matter will be heard in Dept. 502 at 3:30 pm.
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		<b>CO-TRUSTEES JOHN P.MCCANN and COLLEEN DEMPSEY</b> filed the Co-Trustees' Notice of Demurrer and Demurrer to Kathleen M. Whitehurst's First Amended Petition for Order Instructing Co-Trustees to Vote Trust's Limited Partnership Interest, for Accounting, to Instruct Co-Trustees to Account as Trustees and Agents Under Power of Attorney, for Declaration Relief as to General Partner; for Order Removing 'Defacto' General Partner and Appointing Successor General Partner With Instructions for Dissolution on 1-5-15.	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order		On 1-13-15, the hearing on the Amended Petition was continued to the date of the Demurrer, which was set for 3-3-15 at 8:30 in Dept. 72.	
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		On 1-14-15, Notice of Assignment of Judge for All Purposes (Judge Donald S. Black) was served.	
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 2-26-15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1A - McCann</b>



**Espinola Family Trust of 1990****Case No. 14CEPR00430**

**Atty** Kaufman, Jeffrey; Brawley, Mason, of Berliner Cohen of Merced (for Petitioners Eugene Espinola, Marvin Espinola, and Margaret Corvello, Beneficiaries)

**Atty** Esraelian, Robyn, of Richardson, Jones & Esraelian (for Respondents James Espinola and Irene Espinola St. Martin, Trustees)

**Atty** Rube, Melvin K., sole practitioner (also for Respondents James Espinola and Irene Espinola St. Martin, Trustees)

**Notice of Motion and Motion to Enforce Settlement Agreement**

Oliver DOD: 9/1/2006		<b>EUGENE ESPINOLA, MARVIN ESPINOLA and MARGARET CORVELLO</b> , children and Beneficiaries of 3 irrevocable Sub-Trusts created under the <b>ESPINOLA FAMILY TRUST of 1990</b> (namely <b>SURVIVOR'S TRUST, RESIDUAL TRUST</b> and <b>MARITAL TRUST</b> ), move for an order to enforce the settlement agreement reached in open court on 9/22/2014.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>This matter will be heard at 8:30 a.m. in Dept. 503.</b>  <b>Notes:</b> <ul style="list-style-type: none"> <li>Minute Order dated 2/26/2015 from the hearing on the Motion set this matter on <b>3/3/2015 at 8:30 a.m. in Dept. 503</b>, based upon the parties' agreement due to scheduling issues.</li> <li>Minute Order dated 9/22/2014 from the Settlement Conference Hearing states: "Settlement agreement read in open Court. All parties agree. Counsel will submit settlement agreement for signature." Court records do not show that a settlement agreement has been filed with the Court.</li> <li>First Report and Account of Co-Trustees and Petition for Its Settlement filed on 2/6/1015 is set for hearing on <b>3/23/2015 at 8:30 a.m. in Dept. 72.</b></li> <li>Order Granting Ex Parte Application to Continue Trial filed 2/3/2015 reschedules the Court Trial of this matter to <b>4/7/2015 at 8:30 a.m. in Department 72.</b></li> </ul>	
Virginia DOD: 4/29/2012				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			De cl.
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
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<input type="checkbox"/>	Letters			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<b>Movants state:</b> <ul style="list-style-type: none"> <li>Motion is made on the grounds that the parties agreed to the terms of a settlement in open court during a settlement conference before Judge Oliver on 9/22/2014, and said agreement contemplated the execution of a more formal and comprehensive written agreement;</li> <li>Responding parties have failed and refused to execute a written agreement that is consistent with the agreement reached in open court, and Petitioners seek to enforce the settlement pursuant to Code of Civil Procedure § 664.6, and to have judgment entered accordingly;</li> <li>Motion is based on this Notice of Motion, the declaration of Jeffrey S. Kaufman, the Memorandum of Points and Authorities, the Request for Judicial Notice, the records and file, and on such evidence as may be presented at the hearing of the Motion. ~Please see additional page~</li> </ul>		
			<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 2/26/15 <b>Updates:</b> 2/26/15 <b>Recommendation:</b> <b>File - Espinola</b>	

**Dept. 303, 9:00 a.m. Tuesday, March 3, 2015**

**Memorandum of Points and Authorities in Support of Motion to Enforce Settlement Agreement** was filed 1/12/2015.

**Request for Judicial Notice in Support of Motion to Enforce Settlement Agreement** was filed on 1/12/2015.

**Declaration of Jeffrey S. Kaufman in Support of Motion to Enforce Settlement Agreement** was filed on 1/12/2015.

**Declaration of Melvin K. Rube in Opposition to Motion to Enforce Settlement Agreement** was filed on 1/13/2015.

**Memorandum of Points and Authorities in Opposition to Motion to Enforce Settlement Agreement** was filed by Respondents on 2/13/2015.

**Reply to Respondents' Opposition to Motion to Enforce Settlement Agreement** was filed by Movants on 2/20/2015.

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. **Certificate of Service filed by Movants on 1/15/2015** does not indicate pursuant to Probate Code §§ 1042 and 1220(a)(1) that the time and place of the hearing on 2/26/2015 was mailed to the persons required to be given notice. *Certificate of Service* indicates the *Motion* and supporting documents were served on 1/13/2015, which informs the Court that the hearing date of 2/26/2015 could not have been included with the service of notice since the 2/26/2015 hearing date was not provided to Movants until the date the motion was filed on 1/15/2015.
2. **Need proposed order** to be submitted by Movants pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief. —*Proposed order submitted 2/20/2015 via mail.*